

REMARKS / ARGUMENTS

Status of Claims

Claims 1-18 are pending in the application and stand rejected. Applicant has amended Claims 1, 2, 4, 8-11 and 13, and has added new Claim 19, leaving Claims 1-19 for consideration upon entry of the present Amendment.

Applicant respectfully submits that the rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a) have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

Status of Drawings

The drawings filed on 01 December 2003 are objected to because of a duplicate use of reference numeral 235, and because of the absence of lead lines with arrowheads on numeral 100. Applicant provides herewith replacement drawing sheets to obviate this objection.

Objections to the Claims

The Examiner objected to Claim 9 because of an informality relating to a misplaced semi-colon.

Applicant has amended Claim 9 as suggested by the Examiner to remove the misplaced semi-colon.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection, which Applicant considers to be obviated.

Rejections Under 35 U.S.C. §102(b)

Claims 1-4, 6, 8, 9, 13, 14 and 18 stand rejected under 35 U.S.C. §102(b) as being anticipated by Aper (U.S. Patent Number 4,887,859, hereinafter Aper).

Claims 1, 8 and 5 are also rejected under 35 U.S.C. §102(b) as being anticipated by Bonfilio et al. (U.S. Patent Number 4,422,685, hereinafter Bonfilio).

Applicant traverses these rejections for the following reasons.

Applicant respectfully submits that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, *in a single prior art reference.*” *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Moreover, “[t]he identical invention must be shown in as complete detail as is contained in the *** claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Furthermore, the single source must disclose all of the claimed elements “arranged as in the claim.” *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Regarding Claims 1 and 8 with Respect to Aper

Applicant has amended independent Claim 1 to now recite, inter alia,

“A modular body for a vehicle *having a chassis separate from the modular body, the modular body* comprising:

a first module having a first B-pillar interface, *the first module having an underbody portion and being configured to assemble on the chassis*; and

a second module having a second B-pillar interface, *the second module having an underbody portion and being configured to assemble on the chassis*;

wherein the first and second modules are joined at the first and second B-pillar interfaces defining a B-pillar thereat, *the B-pillar defining a separation between passenger compartments.*”

Support for the amended claim language may be found at paragraphs [0014], [0015], [0020], [0023] and [0025], and at Figures 1-8. No new matter has been added.

Applicant has also amended independent Claim 8 to recite language similar to the amended language of Claim 1.

Dependent claims inherit all of the limitations of the respective parent claim.

The Examiner alleges that Aper discloses the claimed invention of Claims 1 and 8. Paper No. 20040813, page 3.

In view of the claim amendments, Applicant respectfully submits that Aper does not disclose each and every element of the claimed invention arranged as claimed.

Applicant submits that Aper discloses a vehicle forward section 1 containing an engine and being carried on four wheels 5 and 6, a central extension section 2 running on its own support wheels 7, and a rear section having a tail gate 3 and a bumper bar 4. Abstract, Col. 1 line 62 through Col. 2 line 3, and Figure 1. Here, Aper discloses a vehicle body-and-chassis combination that is broken up into sections, and not *a modular body for a vehicle having a chassis separate from the modular body* and arranged as claimed.

In comparing Aper with the instant invention, Applicant finds Aper to be absent a modular body for a vehicle *having a chassis separate from the modular body...* a first module having a first B-pillar interface, *the first module having an underbody portion and being configured to assemble on the chassis*; and a second module having a second B-pillar interface, *the second module having an underbody portion and being configured to assemble on the chassis*; wherein the first and second modules are joined at the first and second B-pillar interfaces defining a B-pillar thereat, *the B-pillar defining a separation between passenger compartments*, as claimed in the instant invention.

The Examiner alleges that Aper discloses a modular body for a vehicle. Paper 20040813, page 3. Applicant respectfully disagrees. From the explicit discription in Aper, Applicant submits that Aper discloses modular sections for a vehicle, where the modular sections have both body and chassis parts.

Accordingly, Applicant submits that Aper does not disclose each and every element arranged as claimed, is a substantially different invention, and therefore cannot be anticipatory.

Regarding Claim 13 with Respect to Aper

Applicant has amended independent Claim 13 to now recite, inter alia,

“A method for assembling a vehicle body *for a vehicle having a chassis separate from the body*, the method comprising:

engaging a first module having a first B-pillar interface with a second module having a second B-pillar interface such that the first and second B-pillar interfaces are disposed proximate each other, the first module having an underbody portion and defining a first passenger compartment, the second module having an underbody portion and defining a second passenger compartment; and

joining together the first and second B-pillar interfaces defining a B-pillar thereat.”

Dependent claims inherit all of the limitations of the parent claim.

The Examiner alleges that Aper discloses the claimed invention of the vehicle body and that the method of assembling the vehicle body would be inherent. Paper 20040813, page 5.

Applicant respectfully disagrees with the Examiner’s alleged anticipation by inherency. In view of Aper disclosing vehicle sections that are made up of *both body and chassis parts*, it *necessarily cannot follow* that Aper discloses the claimed invention of a method for assembling a vehicle body for a vehicle *having a chassis separate from the body*. For anticipation by inherency to stand, the Examiner must show that Aper *necessarily* discloses a vehicle having a chassis separate from the body, which Applicant submits Aper does not do. Accordingly, and being absent each and every element of the claimed invention arranged as claimed, Aper cannot be anticipatory.

Regarding Claims 1 and 8 with Respect to Bonfilio

Applicant has amended Claims 1 and 8 as discussed above.

Dependent claims inherit all of the limitations of the respective parent claim.

In respectful disagreement with the Examiner, and contrary to Bonfilio, Applicant discloses and claims *first and second modules having underbody portions, and first and second B-pillar interfaces* that join to define a B-pillar *where the B-pillar itself defines a separation between passenger compartments*.

In comparing the instant invention with Bonfilio, Applicant finds Bonfilio to disclose a body module 30 ***absent and underbody portion*** disposed on a chassis 10, 11, 12. Col. 3, lines 22-27, Col. 4, lines 27-35, and Figures 3, 8 and 9. In view of the explicit disclosure in Bonfilio, Applicant submits that Bonfilio is absent ***first and second modules having underbody portions that are joined at a B-pillar where the B-pillar defines a separation between passenger compartments***, as claimed.

While the Examiner alleges that Bonfilio discloses a B-pillar, the Examiner has not specifically shown where Bonfilio discloses ***first and second modules having underbody portions that are joined at a B-pillar where the B-pillar defines a separation between passenger compartments***. If Applicant were to accept the Examiner's interpretation of the B-pillar interface as illustrated in Paper 20040813, page 6 (taken from Bonfilio Figure 9), then it necessarily follows that the claimed invention as amended does not read on the Examiner's interpretation since the Examiner's interpretation of the Bonfilio B-pillar does not disclose ***first and second modules having underbody portions*** being joined at the B-pillar where the B-pillar defines a separation between passenger compartments. In Figure 11 of Bonfilio, which discloses a two-door sedan, Col. 4 at lines 49-55, the compartment behind the alleged B-pillar is not disclosed as being modular ***with an underbody portion***.

Accordingly, Applicant submits that Bonfilio does not disclose each and every element of the claimed invention ***arranged as claimed***.

Absent anticipatory disclosure in either Aper or Bonfilio of each and every element of the claimed invention arranged as claimed, Aper and Bonfilio simply cannot be anticipatory.

In view of the amendment and foregoing remarks, Applicant submits that Aper and Bonfilio do not separately disclose each and every element of the claimed invention and therefore cannot be anticipatory. Accordingly, Applicant respectfully submits that the Examiner's rejection under 35 U.S.C. §102(b) has been traversed, and requests that the Examiner reconsider and withdraw of this rejection.

Rejections Under 35 U.S.C. §103(a)

Claims 10-12 and 15-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Aper in view of Bonfilio.

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Aper. Applicant traverses these rejections for the following reasons.

Applicant respectfully submits that the obviousness rejection based on the References is improper as the References fail to teach or suggest each and every element of the instant invention. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are taught or suggested in the prior art. MPEP §2143.03.

Furthermore, Applicant respectfully submits that if an independent claim is non-obvious, then any claim depending therefrom is non-obvious. MPEP §2143.03 referencing *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988).

As discussed earlier in this paper, Applicant has amended claims 1, 2, 4, 8-11 and 13, and has provided clarifying remarks regarding the patentability of the claimed invention in reference to the rejections under 35 U.S.C. §102(b). Dependent claims inherit all of the limitations of the respective parent claim and any intervening claim.

In view of the amendments to the claims, in combination with the discussions earlier regarding the rejections under 35 U.S.C. §102(b), Applicant respectfully requests reconsideration and withdrawal of all rejections under 35 U.S.C. §103(a), which Applicant considers to be traversed.

Regarding New Claim 19

Applicant has added new Claim 19, which is directed to a vehicle having a modular body separate from a chassis, where the modular body includes a first module having an underbody portion and a second module having an underbody portion, the

modules being joined at a B-pillar defining a separation between passenger compartments. Support for Claim 19 may be found in the specification and claims as originally filed. No new matter has been added.

In view of the earlier discussion relating to the rejections under 35 U.S.C. §102(b), Applicant respectfully submits that neither Aper nor Bonfilio disclose each and every element of the invention arranged as claimed.

Accordingly, Applicant submits that new Claim 19 is directed to allowable subject and respectfully requests entry and notice of allowance thereof.

In light of the forgoing, Applicant respectfully submits that the Examiner's rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a) have been traversed, and respectfully request that the Examiner reconsider and withdraw these rejections.

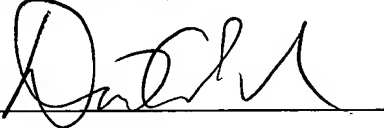
The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 06-1130.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above identified Deposit Account.

Respectfully submitted,

CANTOR COLBURN LLP

Applicant's Attorneys

By: 

David Arnold
Registration No: 48,894
Customer No. 23413

Address: 55 Griffin Road South, Bloomfield, Connecticut 06002
Telephone: (860) 286-2929
Fax: (860) 286-0115

AMENDMENTS TO THE DRAWINGS

Please amend Figures 1-4 and 6-8 to include a lead line with an arrowhead to reference numerals 100 and 101. Replacement drawing sheets are provided herewith. No new matter has been added.

Please amend Figures 9 and 10 to replace reference numeral 235 with reference numeral 260 for consistency with the amended language of paragraph [0025] noted earlier in this paper. Replacement drawing sheets are provided herewith. No new matter has been added.